

Interim Decision #2035

MATTER OF METHURE
In Deportation Proceedings

A-18160358

Decided by Board March 20, 1970

Deportability under section 241(a)(9) of the Immigration and Nationality Act is established by clear, convincing, and unequivocal evidence obtained pursuant to lawful interrogation and arrest where respondent, who was initially interrogated by a Service officer inside a Service vehicle, and who, after leaving the car and while not under arrest, voluntarily admitted working illegally, after which he was taken to the Immigration office, where he was advised of his rights under the *Miranda* rule, and was sworn upon an affidavit in which he admitted he had violated his immigration status as a student by engaging in employment.

CHARGE:

Order: Act of 1952—Section 241(a)(9) [8 U.S.C. 1251(a)(9)]—Nonimmigrant—failed to comply with conditions of status.

ON BEHALF OF RESPONDENT:

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ON BEHALF OF SERVICE:

Irving A. Appleman
Appellate Trial Attorney
Allan A. Shader
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(Brief filed)

The respondent, a native and citizen of Guyana, has been found deportable under section 241(a)(9) of the Immigration and Nationality Act as an alien who, after entry as a nonimmigrant student on February 13, 1969 under section 101(a)(15) of the said Act, failed to comply with the conditions of his nonimmigrant status. An order entered by the special inquiry officer on April 28, 1969 grants the respondent the privilege of voluntary departure in lieu of deportation with an alternate order providing for his deportation to Guyana if he fails to depart voluntarily when and as required. The respondent on appeal maintains that